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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,900	07/09/2001	Gualtieri Valeri	A-7485	1218

7590

09/20/2002

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EXAMINER

AYLWARD, DAVID E

ART UNIT

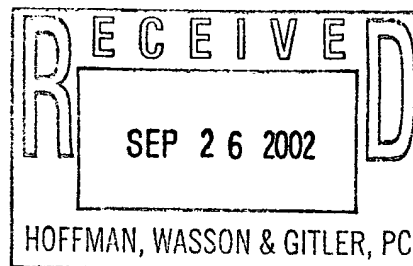
PAPER NUMBER

1712

DATE MAILED: 09/20/2002

413

Please find below and/or attached an Office communication concerning this application or proceeding.



RESPONSE BY 12-11-2002 B

Office Action Summary

Application No.
09/868900Applicant(s)
Vale et al.Examiner
AylwardGroup Art Unit
1712

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-40 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11, 13, 15, 23-31, 39 is/are rejected.
- ☒ Claim(s) 12, 14, 16-22, 32-38, 40 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some* ☐ None of the:

- ☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The specification should offer some explanation of the drawing filed with the specification indicating at least the meaning of the axis labeling, that is Z' and Z'', and how these relate to the disclosed invention. This information can most conveniently be added by an amendment in a section entitled "Brief Description of the Drawing". Applicants are cautioned against adding new matter.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15, 28 and 39 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

4. In claim 15 it is not clear what the nature of the polymeric glutamic acid being claimed is. Possibly the "a" should be an alpha for clarity, but what is the significance of the "1" in the description of the glutamic acid?

5. Claims 28 and 39 would be clearer if the word "addition" was inserted before the last word in these claims.

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6. Claim 29 is objected to because of the following informalities: In the third line the first comma should be deleted. Appropriate correction is required.

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6-11, 23, 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 423602, EP '602.

9. Example 1 on page 5 of EP '602 is obviously a teaching of mixing the alkaline metal chloride that is lithium with polyphenylene ether before injection molding. Other salts are taught in the Abstract and on page 2 at lines 33-49.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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11. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 2, 4, 5, 13 and 23-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wernet (5,206,297).

13. Compositions comprising polyelectrolytes taught in the Abstract and at column 3 - column 10 combined with the polymers of column 17 and column 18 and taught as antistatic agents at column 15 line 21 anticipate the compositions of the instant claims.

14. Claims 12, 14, 16-22 and 32-38 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Aylward whose telephone number is (703) 308-2372. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dawson, can be reached on (703) 308-2340. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-661.

Serial No. 09/868,900

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DAylward:cdc
September 12, 2002



Robert Dawson
Supervisory Patent Examiner
Technology Center 1700